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Attorneys for Defendant

CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SELINA KEENE,

Plaintiff,

vs.

CITY AND COUNTY OF SAN

FRANCISCO et al.

Defendants.

LEAD CASE NO.: 22-cv-01587-JSW

JOSE GUARDADO, et al.,

Plaintiff,

vs.

CITY AND COUNTY OF SAN

FRANCISCO et al.

Defendants.

CASE NO.: 22-cv-04319-JSW

**STIPULATION AND ~~PROPOSED~~
ORDER FOR DISMISSAL OF CLASS
ACTION ALLEGATIONS WITHOUT
PREJUDICE AND WITHOUT NOTICE
TO PUTATIVE CLASS**

1 WHEREAS, Plaintiffs filed their action in this Court as a putative class action on July 26,
2 2022, Case No. 22-cv-04319 (the “Guardado Action”);

3 WHEREAS, Plaintiffs filed a First Amended Complaint on September 20, 2023;

4 WHEREAS, Plaintiffs have not filed a class certification motion and the Guardado
5 Action has not been certified pursuant to Federal Rule of Civil Procedure Rule 23;

6 IT IS HEREBY STIPULATED by and between Plaintiffs Jose Guardado, Melissa
7 Borzoni, Andrew Maloney, Rommel Taylor, Penni Eigster, Tara Amado, Andrew Bologna, and
8 Aaron Maxwell, (“Plaintiffs”) and Defendant The City and County of San Francisco (“CCSF”),
9 (together as “the Parties”), by and through their respective counsel, as follows:

10 1. Plaintiffs agree to dismiss without prejudice all class action allegations in the
11 above action pursuant to Fed. R. Civ. P. 23 (e) and 41. All individual allegations on behalf of
12 Plaintiffs are to remain as set forth in the Complaint.

13 2. Neither the lead Plaintiffs nor their Counsel have received or will receive any
14 consideration for this stipulated dismissal.

15 3. Each party shall bear their own attorney fees and costs with respect to this
16 dismissal of the class allegations.

17 IT IS HEREBY STIPULATED by the Parties, that the Court issue an order holding that
18 the factors identified in *Diaz v. Trust Territory of the Pacific Islands*, 876 F.2d 1401 (9th Cir.,
19 1989), do not weigh in favor of requiring notice to the putative class members in this case
20 because:

21 1. Plaintiffs and their counsel represent that the class allegations were not frivolous
22 and were not initially pled for the purpose of extracting a more favorable settlement.

23 2. CCSF has not promised Plaintiffs and their counsel a disproportionate recovery
24 on settlement of Plaintiffs’ individual actions in exchange for dismissal of the class allegations.
25 CCSF has not made any concessions to Plaintiffs or their attorneys in exchange for dismissal of
26 the class allegations.

4. This action, including the class allegations, has not received any publicity that would have caused putative class members to refrain from filing their own individual lawsuits.

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**STIPULATION AND ~~[PROPOSED]~~ ORDER FOR DISMISSAL OF CLASS ACTION
ALLEGATIONS WITHOUT PREJUDICE AND WITHOUT NOTICE TO PUTATIVE
CLASS**

ORDER

On stipulation of the parties, and good cause appearing therefor,

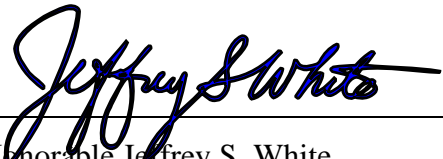
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. All class action allegations in the above action are hereby dismissed without prejudice. All individual allegations on behalf of Plaintiffs are to remain as set forth in the operative First Amended Complaint.

2. No party shall be entitled to costs or attorneys fees because of this dismissal.

3. Based on the factors identified in *Diaz v. Trust Territory of the Pacific Islands*, 876 F.2d 1401 (9th Cir., 1989), the above dismissal of the class allegations may be made, and hereby is made, without notice to the putative class.

Date: September 16, 2025


The Honorable Jeffrey S. White